

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION**

**ELEANOR McCULLEN, JEAN  
BLACKBURN ZARRELLA,  
GREGORY A. SMITH, CARMEL  
FARRELL, and ERIC CADIN,**

Plaintiffs,

**v.**

**MARTHA COAKLEY, Attorney  
General for the COMMONWEALTH OF  
MASSACHUSETTS,**

Defendant.

Civil Action No. 1:08-cv-10066-JLT

---

**NOTICE OF APPEAL**

---

Notice is hereby given that, pursuant to 28 U.S.C. §1292(a)(1) and Fed. R. App. P. 3, all plaintiffs appeal to the United States Court of Appeals for the First Circuit from the order denying preliminary and permanent injunctive relief entered on August 22, 2008 by the United States District Court for the District of Massachusetts, Boston Division (TAURO, J.).

Respectfully submitted,

/s/ Michael J. DePrimo

Michael J. DePrimo, CT Bar # 402211

Admitted *pro hac vice*

Attorney at Law

778 Choate Avenue

Hamden, Connecticut 06518

Tel: (662) 491-2000

Fax: (203) 281-1496

Email: michaeldeprimo@gmail.com

Philip D. Moran, MA Bar # 353920  
Philip D. Moran P.C.  
265 Essex Street, Suite 202  
Salem, Massachusetts 01970  
Tel: (978) 745-6085  
Fax: (978) 741-2572  
Email: philipmoranesq@aol.com

Benjamin W. Bull, AZ Bar # 009940  
Admitted *pro hac vice*  
Alliance Defense Fund  
15100 N. 90th Street  
Scottsdale, Arizona 85260  
Tel: (480) 444-0020  
Fax: (480) 444-0028  
Email: bbull@telladf.org

Kevin H. Theriot, KS Bar # 21565  
Admitted *pro hac vice*  
Alliance Defense Fund  
15192 Rosewood  
Leawood, Kansas 66224  
Tel: (913) 685-8000  
Fax: (913) 685-8001  
Email: ktheriot@telladf.org

Timothy D. Chandler, CA Bar # 234325  
Admitted *pro hac vice*  
Alliance Defense Fund  
101 Parkshore Drive, Suite 100  
Folsom, California 95630  
Tel: (916) 932-2850  
Fax: (916) 932-2851  
Email: tchandler@telladf.org

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 16, 2008, I electronically submitted Plaintiffs' Notice of Appeal to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

**Kenneth W. Salinger**  
ken.salinger@state.ma.us

**Anna-Marie L. Tabor**  
anna-marie.tabor@state.ma.us

*Attorneys for Defendant*

/s/ Michael J. DePrimo  
Michael J. DePrimo